

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-12312 - APPLICANT/OWNER: TMF INVESTMENTS, LLC, ET AL**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-1/sd vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. A General Plan Amendment (GPA-12310) to an M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-12316) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

4. Dedicate 30-feet of right-of-way adjacent to this site for those portions of Madre Mesa Drive not previously dedicated prior to the issuance of any permits.
5. Construct all incomplete street improvements on Madre Mesa Drive, Decatur Boulevard and Roberta Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way

are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Rezoning from R-E (Residence Estates); U (Undeveloped) [M (Medium Density Residential) Master Plan Designation]; and U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to R-3 (Medium Density Residential) on 10.53 acres adjacent to the west side of Decatur Boulevard between Madre Mesa Drive and Roberta Lane. Companion applications for an amendment to the Southwest Sector Land Use Map of the Master Plan (GPA-12310), a Variance (VAR-12318), and a Site Development Plan Review (SDR-12316) have also been submitted.

**EXECUTIVE SUMMARY**

This item was abeyed from the 04/27/06 Planning Commission so that the applicant could meet with surrounding property owners and to consider possible changes to the apartment design. As of 05/18/06, the applicant has not yet formally met with the neighbors and is prepared to go forward without altering the number, height or location of the apartment buildings.

The site consists of a collection of parcels that have been annexed and proposed for development at different times within the past 10 years. The request is compatible with medium density development to the north and east, and would downzone an existing commercial zone on the north side of Roberta Lane. Any new project will require adequate screening from single-family properties to the west and south. Staff recommends approval, subject to approval of the related Master Plan Amendment to an M (Medium Density Residential) land use designation on a portion of the site and a Site Development Plan Review application for development of the overall site.

**BACKGROUND INFORMATION**

***A) Related Actions***

03/20/95      The Board of County Commissioners approved a request for a Rezoning (ZC-567-95) from R-E (Rural Estates Residential) and H-2 (General Highway Frontage) to R-3 (Multiple Family Residential) and C-1 (Local Business) for a portion of this site. The approval was in conjunction with a proposed 72-unit apartment complex, a 19,200 square-foot shopping center, and a 103,000 square-foot mini-warehouse complex. The development component of this approval was for three years.

- 07/17/96 The Board of County Commissioners approved a request for a Rezoning (ZC-798-96) to R-3 (Multiple Family Residential) for a proposed 20-unit apartment addition to the previously approved 72-unit apartment development on a portion of the subject site. The approval expired 07/07/98.
- 03/10/97 The City Council approved an Annexation (A-0013-95) of the portion of the subject site under Resolution of Intent to R-3 (Limited Multiple Residence) and C-1 (Local Business), containing approximately 11.10 acres. The Planning Commission and staff recommended approval.
- 06/08/98 The City Council approved an Extension of Time [ZC-567-95(1)] of an approved Rezoning to R-3 (Medium Density Residential) and C-1 (Limited Commercial) for a portion of the site. The Planning Commission and staff recommended approval. The Resolution of Intent was extended indefinitely.
- 06/28/99 The City Council approved a City-initiated General Plan Amendment (GPA-0011-99) to change the land use designation of a portion of the subject property from R (Rural Density Residential) and SC (Service Commercial) to M (Medium Density Residential) and SC (Service Commercial). This property included what is now a U.S. Post Office at the southwest corner of Decatur Boulevard and Madre Mesa Drive. The Planning Commission and staff recommended approval.
- 06/07/00 The City Council approved a General Plan Amendment (GPA-0005-00) to change the land use designation from M (Medium Density Residential) and SC (Service Commercial) to M (Medium Density Residential) and SC (Service Commercial) on 4.1 acres at the southwest corner of Decatur Boulevard and Madre Mesa Drive. The City Council also approved a Rezoning (Z-0013-00) to C-1 (Limited Commercial) and R-3 (Medium Density Residential) on approximately 6.9 acres at the southwest corner of Decatur Boulevard and Madre Mesa Drive in conjunction with a proposed U.S. Post Office and 72-unit apartment development. All previous Resolutions of Intent were expunged. The Planning Commission and staff recommended approval.
- 11/21/01 The City Council approved an Annexation (A-0030-01) of approximately 2.21 acres located on the south side of Madre Mesa Drive, approximately 700 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval. The effective date was 11/30/01.
- 01/02/02 The City Council approved a General Plan Amendment (GPA-0024-01) to change the land use designation on the newly annexed property from R (Rural Density Residential) and ROW (Right-of-Way) to M (Medium Density Residential). The City Council also approved a Rezoning (Z-0051-01) from U (Undeveloped) [R (Rural Density Residential) Master Plan Designation] to R-3 (Medium Density Residential) on the same 2.21-acre portion of the subject site. The Planning Commission and staff recommended approval.

- 03/15/06 The City Council approved the Annexation (ANX-10266) of approximately 2.5 acres located at 4584 Madre Mesa Drive, which is part of the subject site. The Planning Commission and staff recommended approval. The effective date was 03/24/06.
- 04/19/06 The City Council approved a bill (Bill No. 2006-21) to amend Ordinance No. 5819 relating to an approved Annexation (ANX-10266) that would amend the legal description and change the appropriate City zoning classification from U (Undeveloped) [R (Rural Density Residential) Master Plan Designation] to R-E (Residence Estates) on the property at 4584 Madre Mesa Drive.
- 04/27/06 The Planning Commission held the following items in abeyance to the 06/08/06 Planning Commission meeting in an effort to allow the applicant time to meet with area residents and consider possible design changes: A General Plan Amendment (GPA-12310) to change the Master Plan Land Use on a 5.4-acre portion of the subject site from R (Rural Density Residential) and SC (Service Commercial) to M (Medium Density Residential); a Rezoning (ZON-12312) from U (Undeveloped) [R (Rural Density Residential) and M (Medium Density Residential) Master Plan Designations]; U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial); and R-E (Residence Estates) to R-3 (Medium Density Residential) on the subject site; a Variance (VAR-12318) to allow a 20-foot setback from protected properties where Residential Adjacency Standards require a 105-foot setback on the subject site and to allow three-story buildings where a maximum of two stories is allowed; and a Site Development Plan Review (SDR-12316) for a proposed 200-unit apartment project and a Waiver of perimeter landscape buffer requirements on the subject site.
- 05/17/06 The City Council approved a Site Development Plan Review (SDR-12035) for the conversion of a 192-unit apartment complex to a condominium development on 8.76 acres at 2701 North Decatur Boulevard. The Planning Commission and staff recommended approval.
- 06/08/06 The Planning Commission recommended approval of companion items GPA-12310 and VAC-13244 and held companion items VAR-12318 and SDR-12316 in abeyance to the 07/13/06 Planning Commission meeting concurrently with this application.
- 06/08/06 The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #36/ng).

***B) Pre-Application Meeting***

- 02/09/06 Staff reviewed Zoning Code requirements as they pertain to the proposed apartment project. Residential Adjacency Standards will apply. The applicant was advised to include a detailed parking analysis on the site plan.

***C) Neighborhood Meetings***

03/22/06      Eight neighborhood residents attended and had the following concerns and comments:

- Will the development consist of apartments or condominiums? The applicant responded that units will be apartments but will be built to condominium standards.
- What will the rent rates be? The rates will be \$800 – \$900 monthly.
- What does the zoning allow? R-3 zoning allows up to 24 dwelling units per acre; however, this project will be 18 dwelling units per acre.
- Residents don't want apartments; they would prefer condos.
- Residents stated that condo conversion is inevitable.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres:      11.26  
Net Acres:        10.53

***B) Existing Land Use***

Subject Property: Single Family Residential  
Undeveloped  
North:            Single Family Residential (Townhomes)  
Multi-Family Residential (Apartments)  
Public Drainage Easement  
South:           Single Family Residential  
East:            Post Office  
Multi-Family Residential (Apartments)  
West:            Single Family Residential

***C) Planned Land Use***

Subject Property: R (Rural Density Residential)  
M (Medium Density Residential)  
SC (Service Commercial)  
North:           MLA (Medium-Low Attached Density Residential)  
M (Medium Density Residential)  
South:           R (Rural Density Residential)  
M (Medium Density Residential)  
East:            M (Medium Density Residential)  
West:            R (Rural Density Residential)

**D) Existing Zoning**

Subject Property: R-E (Residence Estates)  
 U (Undeveloped) [M (Medium Density Residential) Master Plan Designation]  
 U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial)  
 North: R-PD12 (Residential Planned Development - 12 Units Per Acre)  
 R-PD20 (Residential Planned Development - 20 Units Per Acre)  
 South: R-PD6 (Residential Planned Development - 6 Units Per Acre)  
 R-3 (Medium Density Residential)  
 R-E (Rural Estates Residential - Clark County Designation)  
 East: C-1 (Limited Commercial)  
 C-M (Commercial/Industrial)  
 West: R-PD6 (Residential Planned Development - 6 Units Per Acre)

**E) General Plan Compliance**

The subject site is designated R (Rural Density Residential), M (Medium Density Residential), and SC (Service Commercial) on the Southwest Sector Map of the Master Plan. The R and SC designations are proposed to be changed to M (Medium Density Residential) by a companion Master Plan Amendment (GPA-12310). The Medium Density category allows residential densities up to 25.49 units per acre. The proposed Rezoning to R-3 (Medium Density Residential) will also allow up to 25.49 units per acre and therefore conforms to the M (Medium Density Residential) designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	X	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>	<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

The North Las Vegas Airport Overlay Map indicates that this use is located in an area restricting the height of structures to 35 feet. According to Title 19, a separate Special Use Permit is required for any use in this area exceeding the 35-foot height limitation. The multi-family development proposed in connection with this request would not exceed 35 feet; therefore, no action is necessary on the part of the applicant.

Portions of unincorporated Clark County are included within the notification area.

The site is not located within the Rural Preservation Overlay District, either as a Rural Preservation Neighborhood or in the associated buffer area.



***F) Density***

<b><i>EXISTING ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>PROPOSED ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>GENERAL PLAN</i></b>	<b><i>PERMITTED DENSITY</i></b>
R-E	2.18 du/ac	R-3	25.49 du/ac	M	25.49 du/ac
U(M)	2.18 du/ac	R-3	25.49 du/ac	M	25.49 du/ac
U(SC) ROI C-1	N/A	R-3	25.49 du/ac	M	25.49 du/ac

A related proposal (GPA-12310) requests to change the land use designation of two parcels on the subject site to M (Medium Density Residential), which would allow up to 25.49 dwelling units per acre. The proposed Rezoning of the property to R-3 (Medium Density Residential) would allow a change to multi-family residential uses from commercial uses that would be in conformance with the Master Plan land use.

**ANALYSIS**

***General Analysis and Discussion***

The purpose of the R-3 (Medium Density Residential) District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) District is consistent with the policies of the Medium Density Residential category of the Master Plan. The applicant has submitted a companion Master Plan Amendment (GPA-12310) changing the portions of the site inconsistent with the Medium Density Residential land use. The request is appropriate in the context of existing multi-family development to the north and medium-low density single-family development to the west. Older, lower density development is existing to the south across Roberta Lane; however, a change to R-3 represents a down zoning from commercial to residential uses along that corridor.

**FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. "The proposal conforms to the General Plan."**

With approval of the companion amendment to the Master Plan (GPA-12310) that would allow up to 25.49 dwelling units per acre across the entire subject site, the proposed Rezoning to R-3 (Medium Density Residential), if approved, will conform to the Master Plan land uses.



2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Approval of the proposed Rezoning will allow multi-family residential uses on the subject site. An existing single-family residential development to the west has a density of 6.29 units per gross acre and a typical lot size of 3,600 square feet, although larger lots are closer to the site. Rural density half-acre lots are located to the south, but they are located across Roberta Lane, which would be required to be heavily screened for any project proposed for the site. Townhomes and apartments with densities of 12 units per acre and 19.2 units per acre, respectively, are located north of the site. The apartments are proposed to be converted to condominiums. Multi-family uses and an existing post office are located to the east. The proposed Rezoning will therefore be appropriate as long as the subject site is adequately screened from adjacent properties and development adheres to Zoning Code standards.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Given the steadily rising real estate market trend, quality multi-family development, primarily for leasing, is needed within the city. This site in particular has been partially rezoned for multi-family uses in the past, but has remained vacant. Residential uses are more compatible with the surrounding area than the type of development allowed under the current commercial zoning along Roberta Lane.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Primary site ingress and egress is proposed from Madre Mesa Drive, a 60-foot Right-of-Way. Half-street improvements will be required on a portion of Madre Mesa Drive adjacent to this site. Secondary emergency access is provided from the southbound lane of Decatur Boulevard. With the required improvements, the existing roadway network will be adequate to meet the requirements of the proposed district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

3

**ASSEMBLY DISTRICT**

1

**SENATE DISTRICT**

4

**NOTICES MAILED**                      489 by Planning Department

**APPROVALS**                                0

**PROTESTS**                                 1